IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL NO.855 OF 1998
IN
CHAMBER SUMMONS NO.652 OF 1998
IN
SUIT NO.1832 OF 1992

Bombay Municipal Corporation & Ors. ...Appellants.
Vs.
Bank of Maharashtra & Ors. ...Respondents.

....

Shri D. H. Mehta, Senior Advocate with Shri K. N. Gaikwad for the appellants.
None for the respondents.

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CORAM : R. M. S.KHANDEPARKAR &
DR.D.Y.CHANDRACHUD, JJ.

January 25, 2007.

P.C.

Heard the learned Advocate for the appellants. None present for the Respondents.

This appeal arises out of the order dated 14th July 1998 passed by the Learned Single Judge in Chamber Summons No.652 of 1998 in Suit No.1832 of 1992.

The learned Advocate for the appellants, at the outset, has drawn our attention to the decree passed in Appeal No.739 of 1998 which arose from the impugned order itself, at the instance

of Bank of Maharashtra, who is one of the parties to the proceedings before the Learned Single Judge. In the said decree passed in Appeal No.739 of 1998, it has been clearly held that all the interim orders and injunctions passed in Suit No.1872 of 1992 stood vacated and the Court Receiver was also discharged. Indeed, in the said decree in Appeal No.739 of 1998 arising out of the impugned order at the instance of another party to the proceedings has resulted in quashing and setting aside the impugned order in its entirety. It being so, nothing survives in the present appeal and has to be disposed of in accordance with the said decree in Appeal No.739 of 1998. Needless to say that as a result of quashing and setting aside the impugned order in its entirety, all the observations made in the impugned order as well as the directions which were sought to be given for initiating various proceedings also stand quashed and set aside. The appeal accordingly stands disposed of. There shall be no order as to costs.

(R. M. S.KHANDEPARKAR, J.)

(DR.D. Y. CHANDRACHUD, J.)